REMARKS

The Office Action dated February 23, 2007 has been fully considered by Applicant.

Enclosed is a Petition For Three-Month Extension of Time and a check in the amount of $1020.

Claims 1 and 12 are currently amended. Claim 1 has been amended to include the limitations of claims 6 and 7. Claims 2-4, and 9-11 have been previously presented. Claims 5- 8 have been canceled.

Claims 1 (formally claim 7), 2, 3-4, 6, 10 and 11 have been rejected under 35 USC 103(a) as being unpatentable over United States Patent No. 6,868,551 to Lawler et al in view of United States Patent No. 6,421,067 to Kamen et al. and further in view of Ludwig.

Applicant believes currently amended independent claim 1 is patentable over the cited references and respectfully requests reconsideration of the rejection.

Claim 1 has been amended to include as a part thereof a television system including a broadcast data receiving for receiving data which is broadcast from a remote location. The data received and processed by the receiver includes video, audio and auxiliary data from which an electronic program guide is generated on a screen to provide information and facilitate user selection of programs for viewing. The broadcast data receiver includes a storage means in the form of a hard disc memory in which the video and/or audio data may be downloaded and held in storage. The downloaded and stored data may then be subsequently retrieved and displayed upon selection by a user of a program from the electronic program guide. A plurality of portions of video and/or audio data are stored on the hard disk. The stored portions of data have identification data such that upon a user selection to receive information on a program using the electronic program guide, the

broadcast data receiver identifies the identification data for the user selected program, searches the hard disk memory for stored video and/or audio data with matching identification data, and if found, processes the same to generate video and/or audio therefrom for display. The video and/or audio data to be stored is downloaded separately from the auxiliary data at designated times according to when the broadcast data receiver is not in use by a user.

Clearly the cited art does not teach or suggest an audio/video clip download system that downloads the clips and/or trailers in advance and stores them for subsequent retrieval via a user by the electronic program guide and wherein a plurality of portions of video and/or audio data are stored on the hard disk, the stored portions of data having identification data such that upon user selection to receive information on a program using the electronic program guide the broadcast data receiver identifies the identification data for the selected program and searches the hard disk for stored video and/or audio data with matching identification data, and if found, processes the same to generate video and/or audio therefrom for display and the video and/or audio data to be stored is downloaded separately from the auxiliary data at designated times according to when the broadcast data receiver is not in use by the user.

With reference to Examiner Shepard's comments relating to the '551 Lawler et al patent, it is noted that according to the part of the document cited, that is, Col 6, lines 54-64, it is clear that only media information is stored in the device, i.e. the auxiliary data which is used to generate the EPG and which provides information relating to video data, rather than the video data itself. This is confirmed by Col 7, lines 1-4, which describes how the video clip is requested from a remote computer via the EPG. As such, the video clip data is not stored in the device, as in Applicant's invention.

In addition, the '067 patent to Kamen discloses the storage of video data on a hard disk within the device, which can be displayed with the EPG (Col 3, lines 35-49). However, there is no disclosure of the video data to be stored as being received separately from the auxiliary data used to generate the EPG. In other words, auxiliary data and video data are transmitted together.

The problem with this approach is that the video data, i.e., the data processed to generate video clips, is much larger than the EPG auxiliary data, and thus takes much longer to download but more importantly as EPG auxiliary data is typically downloaded for many days in advance, the video clip data will also have to be downloaded for many days in advance when transmitted alongside the EPG auxiliary data. This is inefficient as the storage space for this large amount of data may not be available, and in addition the system of Kamen may result in the display of erroneous information if the EPG displays an icon indicating that a video clip is available when there is insufficient storage space and is therefore not available in the storage from the hard disk for retrieval.

In combination, the receiver created by the teachings of Lawler, Kamen and Ludwig would either receive auxiliary data at specified times and retrieve video clip data on demand, or receive auxiliary and video clip data together and allow storage of video clip data in local memory until required. In both cases, the device receives video clip data at the same time as reception of normal program channel data, and thus the receiver may not be capable of effectively performing other functions at the same time.

Therefore, Applicant believes that currently amended claim 1 is novel over the cited references and respectfully requests reconsideration of the rejection.

Claims 2-4, 10 and 11 depend upon currently amended claim 1 and therefore are believed to be novel over the cited references for the reasons stated above.

Claim 12 has been rejected under 35 USC 103(a) as being unpatentable over United States Patent No. 6,868,551 to Lawler et al in view of United States Patent No. 6,425,129 to Sciammarella in view of United States Patent No. 6,816,904 to Ludwig et al.

Applicant believes that currently amended independent claim 12 is patentable over the cited references and therefore respectfully requests reconsideration of the rejection.

Claim 12 has been amended to include that the hard disk storage means is provided as a part of the broadcast data receiver in which a sufficient portion of the video and/or audio data for a particular clip or trailer from each program in the following time period in the electronic program guide is downloaded separately from the auxiliary data at a designated time when the broadcast data receiver is not in use by a user. The downloaded data is then held in the storage means for subsequent retrieval and display by a user. When a user selects a program from the electronic program guide to which a portion of the stored video and/or audio data relates, the broadcast data receiver refers to portions of the downloaded data held in the storage means to identify identification means for the selected program and then searches for the appropriate identification means for a portion of data in the storage means which matches the selected program and when found, a portion of the data is processed to cause a clip or trailer for that particular program to be generated on the display screen for viewing by a user. Clearly, these features are not taught or suggested in the cited references.

Currently amended claim 12 is novel over the cited references in that sufficient portions of the video and/or audio data for a particular clips or trailers from each program in the electronic

program guide is downloaded separately from the auxiliary data at a designated time when the broadcast receiver is not in use by a user and is then held in storage means located in the broadcast data receiver for subsequent retrieval and display upon a user selecting a program from the electronic program guide.

In the Office Action, Page 9, lines 1-6, Examiner Shepherd states:

> At the time the invention it would have been obvious for one of ordinary skill in the art to download the clips at designated time intervals, as taught by Ludwig, in the system disclosed by Lawler and Sciammarella. The motivation would have been to conserve bandwidth needed to transfer video filed (Ludwig: column 58, lines 20-21), as while the system would be in use the system would be downloading normal broadcast television.

This passage refers to bandwidth management solutions in connection with video mailing. For example, emails containing video are only transferred at off-peak times. Applying this teaching to the receiver of Lawler in light of Kamen would result in a receiver which downloaded video and auxiliary data together at off peak times. However, this would mean that the EPG would be out of date until the next update, and the storage system would be overloaded by the amount of video clip data supplied along with the auxiliary data for the same number of days, as described above.

The present invention solves the above problems by allowing the EPG auxiliary data to be broadcast and stored separately to the video clip data, as the video clip data is downloaded when the broadcast data receiver is not in use by a user. For example, data could be downloaded for six days worth of EPG display, but video clip data may be downloaded separately at night, for only every twenty-four hour period. This is possible by the provision of the allocation of identification data to the relevant programs on the EPG and the video clip data which allows an active search for a video clip in storage which had identification data which matches that of the selected program from the EPG.

Applicant is grateful for the thorough examination of the application by Examiner Shepard and believes the application is now in condition for allowance and such action is earnestly solicited. If any further issues remain, a telephone conference with the Examiner is requested. If any further fees are associated with this action, please charge Deposit Account No. 08-1500.

Respectfully Submitted

HEAD, JOHNSON & KACHIGIAN

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BY: _____

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